

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MONTE DECARLOS WINSTON

v.

Civil No. 3:11CV812

UNITED STATES OF AMERICA

MEMORANDUM OPINION

By Memorandum Opinion and Order entered September 10, 2013, the Court dismissed Monte DeCarlos Winston's complaint pursuant to the Federal Torts Claim Act ("FTCA"), 28 U.S.C. §§ 1346, 2671-2689, with jurisdiction vested pursuant to 28 U.S.C. § 1331. On September 18, 2013 the Court received from Winston a "Motion Pursuant to Rule 60(a) and (b) of F.R.Civ.P." ("Rule 60 Motion," ECF No. 54 (capitalization corrected).) If Winston wishes to pursue relief under Federal Rule of Civil Procedure 60(b), "he must identify the specific subsection of the rule that governs his motion and brief why he is entitled to relief under that portion of Rule 60(b). Shanklin v. Seals, No. 3:07cv319, 2011 WL 2470119, at *1 (E.D. Va. June 21, 2011) (citation omitted) (internal quotation marks omitted). To the extent Winston brings a motion pursuant to Federal Rule of Civil Procedure 60(a), he fails to identify "a clerical mistake or a mistake arising from oversight or omission . . . in a judgment,

order, or other part of the record." Fed. R. Civ. P. 60(a).¹
Accordingly, Winston's Rule 60 Motion (ECF No. 54) will be
denied without prejudice.

The Clerk is directed to send a copy of this Memorandum
Opinion to Winston and counsel for the United States.

Date: *January 27, 2014*
Richmond, Virginia

/s/ REP
Robert E. Payne
Senior United States District Judge

¹ In support of his Rule 60(a) Motion, Winston suggests that the "Civil Action No. was entered under a Criminal Action No." and that "Consent by both parties was given to Magistrate Judge M. Hannah Lauck" (Rule 60 Mot. 1.) Winston is incorrect. The Memorandum Opinion and Order dismissing the action clearly assigns the action the civil number "3:11CV812" and only Winston consented to the jurisdiction of the Magistrate Judge. (See ECF No. 5.)